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2 **McGLYNN, GLISSON AND MOUTON**

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5 **IN THE UNITED STATES DISTRICT COURT**

6 **FOR THE DISTRICT OF ARIZONA**

7 IN RE BARD IVC FILTERS
8 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**THIS FILING RELATES TO: 2:17-cv-
02949**

**AMENDED SECOND AMENDED
MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

12 Plaintiff(s) named below, for their Complaint against Defendants named below,
13 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).
14

15 Plaintiff(s) further show the Court as follows:

- 16 1. Plaintiff/Deceased Party:

17 Jimmy Sullivan

- 18 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
19 consortium claim:

20 N/A

- 21 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
22 conservator):

1 N/A

- 2
- 3 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
- 4 the time of implant:

5 Texas

- 6 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
- 7 the time of injury:

8 Texas

- 9 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

10 Tennessee

- 11 7. District Court and Division in which venue would be proper absent direct filing:

12 USDC Northern District of Texas, USDC Eastern District of Tennessee, USDC

13 for the District of New Jersey

- 14 8. Defendants (check Defendants against whom Complaint is made):

15 ☒ C.R. Bard Inc.

16 ☒ Bard Peripheral Vascular, Inc.

- 17 9. Basis of Jurisdiction:

18 ☒ Diversity of Citizenship

19 ☐ Other: _____

- 20 a. Other allegations of jurisdiction and venue not expressed in Master
- 21 Complaint:
- 22

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☒ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: 2nd Implant: Eclipse Vena Cava Filter

11. Date of Implantation as to each product:

6/5/2007 (1st implant); 10/10/2011 (2nd implant)

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Texas and Tennessee (insert
state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages

Other(s): _____ (please state the facts supporting this
Count in the space immediately below)

Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED on this 7th day of September, 2017.

MCLGYNN, GLISSON AND MOUTON

By: s/Amanda L. Washington

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Attorney for Plaintiff

I hereby certify that on this 7th day of September, 2017, I physically transmitted the attached document to the Clerk's Office using the Electronic Filing System for filing and transmittal of a Notice of Electronic Filing.

/s/ Amanda L. Washington

Amanda L. Washington